



TAKE THE LEAD

STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of Existing Dwelling, Subdivision & Construction of 1 Dwelling House

Lot A DP 404074
94 Toronto Avenue, Cromer NSW 2099

Prepared for **Birdy Homes**

November 2021

Our Ref: 372-21

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Issue	Date	Author	Reviewed	Approved
A	1/11/2021	Sebasthian Aguilar	Nick Gunn	Frank Carrozza
B	23/01/2022	Nick Gunn		



1. Introduction

Craig & Rhodes Pty Ltd has been engaged by Birdy Homes to prepare a Statement of Environmental Effects (SEE) for a Torrens Title subdivision of one residential lot into two residential lots and the construction of one dwelling house on proposed Lot 2.

The subject Site is identified as Lot A, DP404074 with the street address being 94 Toronto Avenue, Cromer. It is currently occupied by one split level dwelling house which is proposed to be demolished.

This SEE has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is submitted in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. It finds that the proposal is generally consistent with the controls and objectives of the Warringah Local Environmental Plan 2011 (WLEP) and the Warringah Development Control Plan 2011 (WDCP). This SEE outlines steps to be undertaken to protect the environment and to mitigate against any potential harmful impacts, if necessary.

Based on this assessment the proposal is considered an acceptable form of development, satisfying the provisions of S.4.15 of EP&A Act on which basis it may be supported on its merits for approval.

Accompanying this SEE are the following plans and supporting documentation:

Table 1: Supporting plans

Document	Prepared by	Date
Subdivision Plan	Craig & Rhodes	16/11/2021
Site Plan (for Subdivision)	Craig & Rhodes	16/11/2021
Detail Survey Plan	CMS Surveyors	16/12/2021
Concept Civil Engineering Plans: - Drainage & Stormwater Plan - Sediment & Erosion Control Plan	Craig & Rhodes	03/12/2021
Stormwater Management Plan	Craig & Rhodes	02/12/2021
Architectural Plans: - Site Plan - Demolition Plan - Site Analysis & Management Plan - Landscape Plan - Landscape Calculations - Ground Floor Plans - First Floor Plans - Elevations 1 & 2 - Elevations 2 - Sections 1, 2 & 3 - Window & Door Schedule - Electrical layout	Birdy Homes	19/11/2021
BASIX Certificate	Frys Energywise	18/11/2021
NatHERS Certificate	Frys Energywise	18/11/2021
Waste Management Plan	Craig & Rhodes	03/12/2021



2. Existing Environment

2.1 Site Details

Site details are provided in Table 2 and the cadastre boundaries are shown in Figure 1.

Table 2: Site details

Lot / Sec / DP	Address	Owner	Area (m ²)
A /DP404074	94 Toronto Ave, Cromer	Lisa Joanne Arcus	1848 m ²
Total area			1848 m ²

Figure 1: Cadastre boundaries of subject lots





2.2 Description

The Site is a regular battleaxe shape and slopes gently towards the north / north-east. Lot A is currently occupied by one split level dwelling house and associated structures including a metal shed, swimming pool and double garage. Vehicular access to Lot A is currently via a driveway from Toronto Avenue.

2.3 Surrounding development

The locality is characterised by low density residential housing. Single and double storey detached dwellings houses are positioned either side of the site with the Cromer Golf Club to the north.

2.4 Zoning

The Site is zoned R2 Low Density Residential, pursuant to the Warringah Local Environmental Plan 2011.

2.5 Noise Environment

The Site is located in a quiet residential area and is not impacted by significant transport or industrial noise.

2.6 Flora and Fauna

The site is clear of any trees.

2.7 Flooding and Storm Water

The Site has not been identified as being flood affected on Council's Flood mapping.

2.8 Non-Indigenous Heritage

The Site has not been identified as being within a heritage conservation area or as containing any items of heritage significance.

2.9 Bushfire

The Site is not identified as being bushfire prone on Council's Bushfire Prone Land Map.



4. Statutory Considerations of the Development

4.1 Environmental Planning and Assessment Act 1979

The following assessment of the proposal is undertaken in accordance with the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (“the Act”). The below table addresses the matters for consideration under The Act.

Table 4: Matters for Consideration (Section 4.15 Requirements)

EP&A Section and Requirement	Comment
(1) <i>Matters for consideration – General.</i>	
<i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application -</i>	
(a) <i>The provisions of:</i>	
(i) <i>Any Environmental Planning instrument.</i>	An assessment against the relevant Environmental Planning Instruments (EPIs) including the Warringah Local Environment Plan 2011 is contained in Section 4.3
(ii) <i>Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).</i>	At the time of writing this SEE there is a draft consolidated Local Environment Plan. The draft EPI has been exhibited for public comment and is expected to be gazetted in mid-2022. The draft EPI has been considered in Section 4.4.
(iii) <i>Any development control plan, and</i>	The provisions of the Warringah Development Control Plan 2011 have been considered in Section 4.5
(iiia) <i>Any planning agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under section 7.4.</i>	There are no known Voluntary Planning Agreements (VPAs) that have been proposed or entered into by the Applicant.
(iv) <i>The regulations (to the extent that they prescribe matters for the purposes of this paragraph).</i>	The relevant matters under the EP&A Reg 2000 that relate to the proposed development have been considered.
(b) <i>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	An Assessment of the likely impacts of the proposed development has been undertaken in Section Error! Reference source not found..
(c) <i>The suitability of the site for development</i>	The suitability of the site has been considered in Section Error! Reference source not found..
(d) <i>Any submissions made in accordance with this Act or the regulations.</i>	The DA will be notified and placed on exhibition in accordance with Council requirements.
(e) <i>The public interest.</i>	The public interest has been considered in Section Error! Reference source not found..



4.2 State Environmental Planning Policy No.55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land, requires contamination and remediation to be considered in determining development applications to reduce the risk of harm to human health or any other aspect of the environment.

The risk of contamination is considered to be very low, given the site's long history of being used as residential dwellings. The site has no history of being used for industrial or intensive agricultural purposes. It is therefore considered that no further investigation into the contamination is required.

4.3 Warringah Local Environmental Plan 2011

The WLEP 2014 is the principal environmental planning instrument which applies to the site. Relevant provisions are set out and addressed as follows:

Objectives of the R2 Low Density residential zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types.*

The proposed subdivision is consistent with these objectives in that it will facilitate the provision of additional housing within a low density environment.

Minimum Lot Size

The site is identified as permitting a minimum lot size of 600m² under Clause 4.1 of the WLEP 2014.

The proposed lots, being between 975m² (excluding access handle) and 643m², would achieve the minimum size. The proposal is therefore consistent with the minimum lot size requirement.

Height of Building

Under Clause 4.3 of the WLEP 2014 the site has a maximum building height of 8.5m. The Proposed dwelling on Lot 2 is a maximum 8.3m at the ridge. The proposal therefore complies with this standard.

Heritage conservation

The site is not within proximity of any items of local heritage significance, it is considered highly unlikely to impact upon any heritage significance items.

Acid sulfate soils

The site is described as Class 5 on the Acid Sulfate Soils Map within the RLEP 2014. It is not within 500m of Class 1 – 4 land nor is it lower than 5m AHD. Therefore, no further consideration of acid sulfate soils is warranted.



4.4 Draft Consolidated LEP

Council has lodged a Planning Proposal to consolidate the three existing LEPs in operation within the Northern Beaches LGA.

The Draft Consolidated LEP has been issued gateway determination and was publicly exhibited until 5 September 2021. Submissions have now closed and the public comments are under consideration.

The key development standards affecting the site under the Draft LEP have been considered in the table below.

Table 5: Draft Consolidated LEP development standards for site

Item	Change between WLEP 2011 and draft LEP (for site)	Compliance
Zoning	No change	Complies
Minimum lot size	No change	Complies
Height of Building	No change	Complies
Acid Sulfate Soils	No change	Complies



4.5 Warringah Development Control Plan 2011 (WDCP)

Relevant provisions of the Warringah Development Control Plan 2011 (WDCP) that apply to the proposal are set out and addressed in Table 6 below.

Table 6: DCP compliance

Section	Standard	Assessment	Complies?
Part B Built Form Controls			
B1	Wall Heights walls not to exceed 7.2 metres from ground level to the underside of the ceiling on the uppermost floor. refer to DCP Map – I Layer 8.5m	Proposed Lot 1 – Vacant lot Proposed Lot 2 – 4.37m	Complies
B2	Number of Storeys	Not Applicable	N/A
B3	Side Boundary Envelope – 45 degrees from 4m height	Proposed Lot 1 – Vacant lot Proposed Lot 2 – Building is within a 45 degree envelope from 4m.	Complies
B4	Site Coverage	Not Applicable	N/A
B5	Side Boundary Setbacks 0.9m	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – West – 0.95 min; East – 3.3m min NB: To rear boundary of southern lot – 7.816.	Complies
B6	Merit Assessment of Side Boundary Setbacks	Not Applicable	N/A
B7	Front Boundary Setbacks	Not Applicable – located on Battleaxe Block	N/A
B8	Merit assessment of front boundary setbacks	Not Applicable – located on Battleaxe Block	N/A
B9	Rear Boundary Setbacks – 6m	Proposed Lot 1 – Vacant lot Proposed Lot 2 – 7.7m to building	Complies
B10	Merit assessment of rear boundary setbacks	Not Applicable	N/A
B11	Foreshore Building Setback	Not Applicable	N/A
B12	National Parks Setbacks	Not Applicable	N/A
B13	Coastal Cliffs Setback	Not Applicable	N/A
B14	Main Roads Setback	Not Applicable	N/A



Part C Siting Factors			
C1	Subdivision Minimum width 13 metres Minimum Depth 27 metres Minimum building area: 150m ² Driveway passing bay Driveway width 3.5m	Proposed Lot 1 – Minimum width 18.1 m Minimum Depth 29 m Minimum building area: 975m ² Proposed Lot 2 – Minimum width 16 m Minimum Depth 35 m Minimum building area: 643m ² Driveway passing bay Provided Driveway width 6m total width & 3.5m concrete driveway	Complies
C2	Traffic, Access and Safety	Not applicable	N/A
C3	Parking Facilities	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – Garage will not be visible from the street and a turning bay has been provided.	Complies
C3(A)	Bicycle Parking and End of Trip Facilities	Not applicable	N/A
C4	Stormwater – system to be design in accordance with Council's Water Management policy	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – stormwater system is in accordance with Water Management Policy. Refer to concept civil plans and stormwater report.	Complies
C6	Building over or adjacent to Constructed Council Drainage Easement	Proposed dwelling is clear of stormwater infrastructure	Complies
C7	Excavation and Landfill	Proposed Lot 1 – No cut or fill proposed. Proposed Lot 2 – minimal cut & fill proposed (<0.5m)	Complies
C8	Demolition and Construction	The existing dwelling is to be demolished. Refer to Waste Management Plan and Demolition Plan	Complies
C9	Waste Management	Refer to Waste Management Plan	
Part D Design			
D1	Landscaped Open Space and Bushland Setting - 40% of site	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – 262.96m ² (40.8%)	Complies
D2	Private Open Space – 60m ² min dimensions 3m	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – 190m ²	Complies
D3	Noise	Not applicable	
D4	Electromagnetic Radiation	Not applicable	
D6	Access to Sunlight - At least 50% of the required area of private open space of each dwelling	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – POS will face north and not be overshadowed by any structures.	Complies



D7	Views - Development shall provide for the reasonable sharing of views.	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – 90 Toronto Ave has no views at present due to vegetation (to be retained) along the common boundary. No impacts are anticipated.</p> <p>88 Toronto Ave will experience some impacts on its existing views to the golf course. It will continue to enjoy existing views to the north-east and north. However, views to the north-west will be partially impacted. The dwelling has been designed to minimise this impact in the following ways:</p> <ul style="list-style-type: none"> • Generous setback of 3.9m from eastern boundary. • Adoption of a loft-style dwelling where the first floor is contained entirely within the roof space. <p>It is considered that this outcome represents reasonable view sharing in accordance with this control.</p>	Complies
D8	Privacy	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – Windows and living rooms have been orientated to minimise any impacts on the eastern neighbour. Further, generous setbacks combined with the loft style design ensures acceptable privacy outcomes for both the proposed and neighbouring dwelling.</p>	Complies
D9	Building Bulk	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – the building has been designed with the second level in the roof space to be respectful of the adjoining development</p>	Complies
D10	Building Colours and Materials	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – The building has been designed to be consistent with surrounding buildings with rendered and weatherboard walls and a tiled roof</p>	Complies
D11	Roofs	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – Concrete Tiles</p>	Complies
D12	Glare and Reflection	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – No reflection expected from tiled roof</p>	Complies
D13	Front Fences and Front Walls	Not applicable	N/A
D14	Site Facilities	<p>Proposed Lot 1 – Vacant lot Proposed Lot 2 – bins to be provided on each lot and placed on the verge on bin day.</p>	Complies
D15	Side and Rear Fences	<p>Proposed Lot 1 – Vacant Lot Proposed Lot 2 – Existing Hedging to remain as buffer to the surrounding lots</p>	Complies



D16	Swimming Pools and Spa Pools	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – Plunge pool is proposed in rear setback and complies with controls.	Complies
D17	Tennis Courts	Not applicable	
D18	Accessibility and Adaptability	Not applicable	
D19	Site Consolidation in the R3 and IN1 Zone	Not applicable	
D20	Safety and Security	Not applicable	
D21	Provision and Location of Utility Services	Connections to mains water, gas, telecommunications and electricity will be provided for both proposed lots and utilise a common trench where appropriate. A S. 73 Certificate from Sydney Water and a Notice of Arrangement from Ausgrid will be provided upon application for a subdivision certificate.	Complies
D22	Conservation of Energy and Water	Proposed Lot 1 – Vacant Lot Proposed Lot 2 – Dwelling has been designed to minimise energy and water use / waste. It will include a rainwater tank which connects to the toilet and laundry and solar panels. Refer to BASIX and NatHERs Certificates for details on sustainability measures employed.	Complies
D23	Signs	Not applicable	N/A
E7	Development on land adjoining public open space	Proposed Lot 1 – No rear fencing proposed to golf course Proposed Lot 2 – No rear fencing proposed to golf course	Complies



5. The Likely Impacts of the Development

5.1 Natural environment

Impacts on the natural environment from the proposal are anticipated to be minimal. The removal of trees or other significant vegetation is not proposed and no impacts are likely on any threatened species of flora or fauna.

5.2 Built environment

The existing dwelling at No. 94 Toronto Avenue is to be demolished, and the new proposed dwelling is split level with the upper level rooms located in the roof space. Therefore, the impacts on the built environment will be minimal and the existing character of Toronto Avenue will be retained. The proposal involves using the existing battleaxe driveway to access the two lots. This will not alter the appearance of the existing streetscape.

The new vehicular access arrangement for No. 94 Toronto Avenue will result in some additional vehicle movements. However, as this relates to one additional dwelling only, the actual number of movements are anticipated to be negligible.

Minor impacts on the existing golf course views from 88 Toronto Ave are anticipated. However, the design of the proposed dwelling has taken into consideration view sharing principles and implemented the following design responses to minimise and mitigate potential impacts:

- Generous side setbacks of up to 3.9m on the eastern boundary are proposed.
- The first floor is to be contained within the roof space, resulting in the effective setback of the first floor from the eastern boundary of 6m.

Any impacts will be limited to views to the north-west and 88 Toronto Avenue will maintain unobstructed views to the north-east and north. This impact is considered in accordance with view sharing principles and, therefore, an acceptable outcome.

5.3 Social and economic impacts

The proposal will have positive social and economic impacts as it will facilitate a new dwelling on proposed Lot 2 and a new dwelling on Lot 1 (subject to future DA). It will therefore increase the availability of low density housing in the Northern Beaches LGA, while retaining the existing character of Toronto Avenue.

6. Suitability of the Site for the Development

The site is considered highly suitable for the development as it will deliver a new low density residential lot and future dwelling (subject to future DA) without impacting upon the existing streetscape or character of Toronto Avenue. Further, no significant constraints exist. As such, only minimal environmental impacts are anticipated.

7. The Public Interest

The proposal will facilitate future residential development which is compatible with the existing character of Toronto Avenue and its wider locality. No adverse impacts on the surrounding area are likely to result from the proposal, with the exception of minor view impacts to one neighbouring dwelling. This is reflected in the proposal being consistent with the controls and



objectives of the Northern Beaches Council planning controls, on which basis it is considered within the public interest.

8. Any Relevant Submissions

Craig & Rhodes are not aware of any other submissions relevant to this application. It is understood any public submissions will be considered in accordance with the Regulations and Council's standard assessment procedures.

9. Conclusion

This proposal has been considered under the provisions of Section 4.15(C)(1) of the EP&A Act. The proposal is considered acceptable and worthy of approval for the following reasons:

- a.** The proposal is consistent with the relevant provisions of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011;
- b.** The proposal is considered to not have any adverse impacts to the surrounding residential environment; and
- c.** The proposal will aid the provision of future low density housing opportunities in an accessible location.